

REMARKS

By the present amendment, Applicant has amended Claim 1, canceled Claims 10 and 13, and added new Claims 14-21. Claims 1-9, 11, 12, and 14-21 remain pending in the present application. Claims 1 and 14 are Independent Claims.

The Examiner has provisionally rejected Claims 1-13 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-4, 5-7, 9 and 13 of copending Application No. 10/307,314, as originally filed. A terminal disclaimer under 37 CFR 1.321(c) is being filed herewith, which document should serve to overcome this particular ground of rejection.

In the recent Office Action, the Examiner further rejected Claims 1-9, 1 and 13 under 35 U.S.C. §103(a) as being unpatentable over Cheung et al. (2003/0028529) in view of Soulanille (2001/0051940). The Examiner further stated that Claims 10 and 12 were merely objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The limitations of allowable Claim 10 have now been incorporated into amended Claim 1. Originally filed independent Claim 13 has now been canceled from this case. Newly-inserted Claim 14 represents allowable Claim 12 rewritten in independent form to include all the method steps of originally-filed independent Claim 1. New Claims 15-21 depend directly or indirectly from Claim 14 and include the limitations of originally-filed

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Art Unit 3627

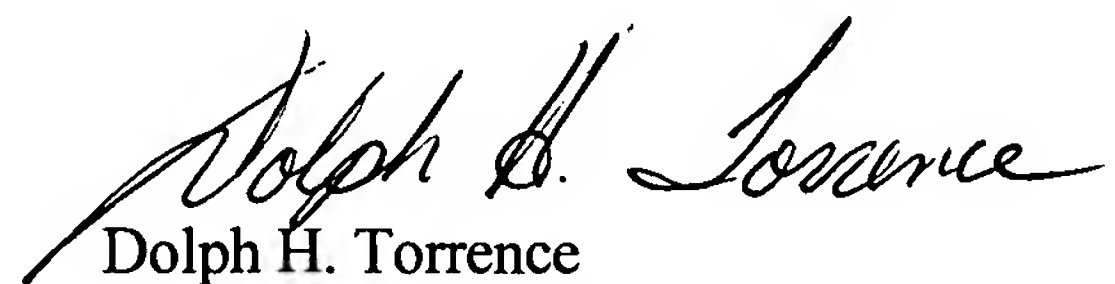
Attorney Docket No. 21128.01
Confirmation No. 5227

dependent Claims 2-8, respectively. No new subject matter or further limitations have been inserted therein. It is now believed that Claims 1-9, 11, 12, and 14-21 have been placed in condition for allowance, and such action is respectfully requested.

The remaining references cited by the Examiner but not used in the rejection have been reviewed, but are believed to be further removed when patentable distinctions are taken into account than those cited by the Examiner in the rejection.

For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance. If such is not the case, the Examiner is requested to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,



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Attachments: Terminal Disclaimer under 37 CFR 1.321(c)
Check in the Amount of \$65.00